



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/901,595	07/11/2001	Shigeru Nakano	DAIN:642	7644

7590 09/15/2003

Parkhurst Wendel, L.L.P.
Suite 210
1421 Prince Street
Alexandria, VA 22314-2805

EXAMINER

CHEN, CHONGSHAN

ART UNIT	PAPER NUMBER
2172	

DATE MAILED: 09/15/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	09/901,595	NAKANO, SHIGERU
	Examiner Chongshan Chen	Art Unit 2172

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on _____.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-12 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) The proposed drawing correction filed on _____ is: a) approved b) disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

- 14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) The translation of the foreign language provisional application has been received.
- 15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) <u>3</u> .	6) <input type="checkbox"/> Other: _____

DETAILED ACTION

1. Claims 1-12 are pending in this Office Action.

Priority

2. Receipt is acknowledged of papers submitted under 35 U.S.C. 119 (a)-(d), which papers have been placed of record in the file.

Information Disclosure Statement

3. The reference cited in the IDS, PTO-1449, Paper No. 3, has been considered.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1, 6, 8, 10, 12 are rejected under 35 U.S.C. 102(e) as being anticipated by Mansfield et al. ("Mansfield", 6,283,914).

As per claim 1, Mansfield teaches a food information management system comprising:
a food database kept in a food information center and storing pieces of food information
classified by food identification information (Mansfield, col. 1, lines 59-61);

information storage mediums each incorporated into a food and storing at least food ID information specifying the food (Mansfield, Fig. 1);

a read means capable of reading the food ID information from the information storage medium and sending the food ID information to the food information center (Mansfield, Fig. 1); and

an output means capable of receiving food information from the food information center (Mansfield, Fig. 1, 28, LCD display);

wherein the food information center retrieves food information about a food specified by food ID information given thereto by the read means and sends the same to the output means (Mansfield, Fig. 1).

As per claim 6, Mansfield teaches all the claimed subject matters as discussed in claim 1, and further teaches a display means capable of displaying food information about a food is connected to the output means (Mansfield, Fig. 1).

As per claim 8, Mansfield teaches all the claimed subject matters as discussed in claim 1, and further teaches the information storage medium is a two-dimensional bar code marked on the food (Mansfield, Fig. 3C).

As per claim 10, Mansfield teaches all the claimed subject matters as discussed in claim 1, and further teaches the read means and the output means are included in a read/output device on the side of a consumer (Mansfield, Fig. 1).

As per claim 12, Mansfield teaches all the claimed subject matters as discussed in claim 10, and further teaches the read/output device is provided with a food quality determining means

capable of determining quality of a food on the basis of food information provided by the output means (Mansfield, Fig. 3C).

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Mansfield et al. ("Mansfield", 6,283,914) in view of Neuhaus (5,832,446).

As per claim 2, Mansfield teaches all the claimed subject matters as discussed in claim 1, and further teaches nutritive ingredients, energy-producing values and weight of foods (Mansfield, col. 1, lines 35-37). Mansfield does not explicitly disclose cooking conditions for cooking foods. Neuhaus discloses cooking conditions for cooking foods (Neuhaus, col. 2, lines 1-19). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine Neuhaus with Mansfield in order to provide user information about how to cook foods.

8. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Mansfield (6,283,914) in view of Hankins (GB 2313940).

As per claim 3, Mansfield teaches all the claimed subject matters as discussed in claim 1, and further teaches nutritive ingredients, energy-producing values and weight of foods (Mansfield, col. 1, lines 35-37). Mansfield does not explicitly disclose food database including

forbidden ingredients. Hankins discloses disclose food database including forbidden ingredients (Hankins, page 4). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine Hankins with Mansfield in order to identify food components to which the user is allergic.

9. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Mansfield et al. ("Mansfield", 6,283,914) in view of Koether et al. ("Koether", 5,331,575).

As per claim 4, Mansfield teaches all the claimed subject matters as discussed in claim 1, except for explicitly disclosing the read means and the output means are incorporated into a cooking device. Koether disclose the read means and the output means are incorporated into a cooking device (Koether, Fig. 1). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine Koether with Mansfield in order to control the cooking device.

10. Claims 5, 7, 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mansfield et al. ("Mansfield", 6,283,914) in view of "Electrolux Previews Internet Refrigerator" ("Electrolux", "Electrolux Previews Internet Refrigerator", Allnetdevices.com. News Archive, online. Feb, 12, 1999. www.allnetdevices.com).

As per claim 5, Mansfield teaches all the claimed subject matters as discussed in claim 1, except for explicitly disclosing the read means and the output means are incorporated into a refrigerator. Electrolux discloses the read means and the output means are incorporated into a refrigerator (Electrolux, page 1). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine Electrolux with Mansfield in order to organize foods stored in the refrigerator.

As per claim 7, Mansfield teaches all the claimed subject matters as discussed in claim 1, except for explicitly disclosing the read means and the output means are linked to the food database by the Internet. Electrolux discloses the read means and the output means are linked to the food database by the Internet (Electrolux, page 1). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine Electrolux with Mansfield in order to perform Internet-based commerce activities.

As per claim 11, Mansfield teaches all the claimed subject matters as discussed in claim 10, except for explicitly disclosing the read/output device is provided with a refrigerating condition determining means capable of determining a refrigerating condition on the basis of the food information provided by the output means. Electrolux discloses the read/output device is provided with a refrigerating condition determining means capable of determining a refrigerating condition on the basis of the food information provided by the output means (Electrolux, page 1). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine Electrolux with Mansfield in order to organize foods stored in the refrigerator.

11. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Mansfield et al. ("Mansfield", 6,283,914) in view of Inoue (4,960,983).

As per claim 9, Mansfield teaches all the claimed subject matters as discussed in claim 1, except for explicitly disclosing the information storage medium is a noncontact IC tag provided with an IC chip and placed on the food. Inoue disclose the information storage medium is a noncontact IC tag provided with an IC chip and placed on the food (Inoue, col. 1, lines 7-20).

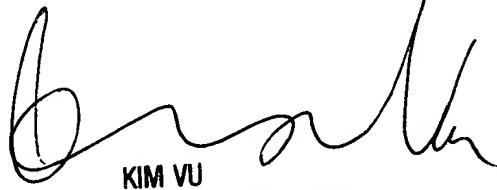
Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chongshan Chen whose telephone number is (703) 305-8319. The examiner can normally be reached on Monday - Friday (8:00 am - 4:30 pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kim Y Vu can be reached on (703)305-4393. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)305-3900.

Chongshan Chen
9/2/03



KIM VU
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100